

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR IXIS
REAL ESTATE CAPITAL TRUST 2005
- HE4 MORTGAGE PASS THROUGH
CERTIFICATES, SERIES 2005-HE4,

Plaintiff,

v.

LORRAINE LINDSEY and RAYMOND
LINDSEY,

Defendants.

HON. JEROME B. SIMANDLE

Civil No. 13-2040 (JBS/JS)

DEFAULT JUDGMENT

This matter having come before the Court upon the unopposed motion of Plaintiff Deutsche Bank National Trust Company, as Trustee for IXIS Real Estate Capital Trust 2005 - HE4 Mortgage Pass Through Certificates, Series 2005-HE4 ("Plaintiff") for default judgment [Docket Item 13] seeking an Order entering default judgment against Defendants Lorraine and Raymond Lindsey, for their failure to answer or otherwise appears as to the Complaint,¹

¹ The relief sought in the Complaint (as to which Defendants failed to answer or appear) and in the Amended Complaint (filed after default was entered) is the same. The Amended Complaint simply clarifies the jurisdictional averments but asserts no different basis for relief against Defendants. The Amended Complaint was thus not required to be re-served upon Defendants, as Fed. R. Civ. P. 5(a)(2) provides: "No service is required on a party who is in default for failing to appear. But a pleading that asserts a new claim for relief against such a party must be served on that party under Rule 4." Further, the Court finds it has subject matter jurisdiction over the case due to diversity of citizenship, 28 U.S.C. § 1332, and that the case is properly

IT IS this 22nd day of **August, 2013** hereby ORDERED AND ADJUDGED that the Motion is GRANTED as follows:

1. Default Judgment is entered for Plaintiff upon the Complaint against Defendants.

2. The Settlement and Release Agreement and Loan Modification Agreement executed by Lorraine Lindsey and Raymond Lindsey on or about December 14, 2012 and attached to the Complaint as Exhibits "A" and "B" are hereby rescinded.

3. The Settlement and Release Agreement and Loan Modification Agreement executed by Lorraine Lindsey and Raymond Lindsey on or about December 14, 2012 and attached to the Complaint as Exhibits "A" and "B" are hereby declared void.

4. The Clerk will close this case upon the docket.

s/ Jerome B. Simandle
JEROME B. SIMANDLE
Chief U.S. District Judge

venued in the District of New Jersey.